



SENT TO COUNCIL:

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JAN 14 2005

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Leslye Corsiglia

SUBJECT: SEE BELOW

DATE: January 12, 2005

Approved

Date

1.14.05

COUNCIL DISTRICT: Citywide

INFORMATION

SUBJECT: QUARTERLY REPORT DETAILING ACTIVITY IN THE HOUSING DEPARTMENT'S RENTAL RIGHTS AND REFERRALS PROGRAM

This report covers activity in the Rental Rights and Referrals Program for the second quarter of Fiscal Year 2004-05. The Rental Rights and Referrals Program provides education and information to protect tenants and landlords. In the case of a rental dispute between a landlord and tenant, knowing the law, having access to resources, and exploring options, can minimize conflict.

Program Highlights

Major activities completed between October 1, 2004 and December 31, 2004 include:

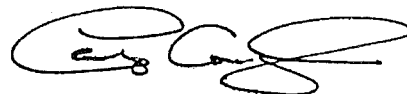
Commissioners Terms - On November 30, 2004, the City Council approved the appointment of the following members to the Advisory Commission on Rents:

Name	Position	Term End Date
Victoria Holtzman	Neutral	December 31, 2007
Steven Wincor	Neutral	December 31, 2007
Larry Hull	Landlord	December 31, 2007
David Wagner	Tenant	December 31, 2007
Cary Silberman	Tenant	December 31, 2006

Quarterly Reports

The following reports document activity between October 1, 2004 and December 31, 2004.

- **Phone Tree** - The Program utilizes an automatic phone tree system that receives all incoming calls and provides recorded information on various topics in several languages. During this report period, 2,686 calls were received, 84% of which were from English speakers. Of total calls received, 1,907 accessed service information through the phone tree as reported in Attachment B.
- **Database Report** - In this report period, 458 client contacts were recorded, including: 270 incoming calls with no return phone number provided, 164 calls returned, 21 walk-ins, and 3 e-mail inquiries returned. A detailed report showing the data collected is attached (Attachment B).
- **Notice to Vacate** - During this report period, fifteen Notices to Vacate were brought to Program staff for assistance, including nine 30-day notices, three 60-day notices, and three 90-day notices. Detailed information is attached (Attachment C).
- **Public Outreach Report** - Four community events were held in this report period. Program Staff made presentations to community groups, educating residents on tenant/landlord rights, rules and regulations under the Rent Control Ordinance, and ordinance changes regarding eviction. A detailed list of events is attached (Attachment D).
- **Case Log Report** - Eight petitions were filed during the report period, five of which were regarding service reductions, and three regarding rent increases. Information regarding these cases is attached (Attachment E).



Leslye Corsiglia
Director of Housing

Attachments

Rental Rights and Referrals Program Case Log Report

Second Quarter FY 2004-05
10/1/04 - 12/31/04

Attachment E

General Information															Violation Type*					Mediation and Arbitration Process			Disposition of Cases
Address Street Number	Zip Code	Date Filed	Date Approved	# Of Petitions	Ineligible Petitions	Excess %	SR	HC	Freq	Rights	NTV	Voluntary Decision	Mediation Decision	Arbitration Voluntary Decision	Closed								
1194 Leigh Ave. #3	95126	10/8/04	10/8/04	1			1						12/25/04			12/25/04	The owner agreed rent is \$650 for the months of September and October 2004. Tenant agreed the storage area would be cleaned in seven days. Tenant will make gradual payment for November 2004, \$300 due on 11/01/04, \$300 on 11/20/04, and \$300 on 11/30/04. The owner will replace bathroom sink, repair tile & cutting board, add a ceiling fan and repair storage area within 30 days.						
66 S.22nd St. #66	95116	10/13/04	10/14/04	1		23%					1					10/19/04	Tenant reached an agreement with the owner and withdrew the petition.						
2245 Lanai Ave. #163	95112	11/1/04	11/3/04	1		2%					1			12/17/04		12/17/04	Tenant did not attend and tenant withdrew petition.						
2415 Rinconada Dr. #30	95125	11/30/04	11/30/04	1			1						12/13/04			12/13/04	The landlord will refund a portion of the rent for the month of October, November and December for a total of \$1909, and \$610 of the deposit will be returned to the tenant.						
1628 Branham Lane #138	95118	11/30/04	12/1/04	1													Current						
1800 Stokes Ave. #114	95126	12/3/04	12/6/04	1		8%**	1									12/20/04	Voluntary agreement was made between the landlord and the tenant.						
2125 Rexford Way #38	95128	12/5/04	12/14/04	1			1									12/21/04	An agreement was made between the landlord and the tenant. The tenants will clean parking area in exchange for the landlord dropping the eviction process. Landlord will not pursue any monetary or past rent damages. The tenant will complete cleaning by 6pm on December 22, 2004.						
2238 Tomasina Way	95008	12/17/04	12/17/04	1			1										Current						
Totals for First Quarter FY 2004-05: 8 3 5 3																							
Total Petitions Filed: 8 100%																							

*Each petition may have more than one type of violation indicated.

** The latest rent increase was 8%, but occurred too soon after the previous increase of 8%.

Legend	
Rent Increase Beyond 8%	%
Service Reduction	SR
Housing Code Violation	HC
Frequent Rent Increase	Freq
Notification of Rights	Rights
Notice to Vacate	NTV

ADVISORY COMMISSION ON RENTS
MINUTES OF THE MEETING AT 5:52 P.M.
NOVEMBER 18, 2004

MEMBERS PRESENT: Chair Steven Wincor, Commissioners Adams, Dougherty and Hull.

STAFF: City Attorney, Mark DeCastro, Rachel VanderVeen and Ramo Pinjic.

MEMBERS ABSENT: Dan Wagner and Victoria Peters.

GUESTS: Jeffrey Dennison (Tri-County Apartment Association), Blair Minor (Nora Campos Office staff).

MEETING

1. Call to Order/Orders of the Day

- A. Chair Steven Wincor called the meeting to order at 5:55p.m.
- B. The motion was carried (4-0-2).

2. Introductions

Commissioners, staff, and guests introduced themselves.

3. Announcements

None.

4. Approval of the November 18, 2004 Minutes

- A. Motion to approve the minutes of September 16, 2004, was made by Commissioner Dougherty, and Commissioner Hull seconded the motion. The motion was carried (4-0-2).
- B. Motion to approve the minutes of October 28, 2004, was made by Commissioner Dougherty, and Commissioner Hull seconded the motion. The motion was carried (4-0-2).

5. Reports

Litigation and Legal Report

The City Attorney, Mark DeCastro, stated that there are no changes in litigation as of the last meeting.

Legislative Report

The Program Manager, Rachel VanderVeen, said that the legislative session is closed and all bills are now signed into law.

Quarterly Report

Rachel VanderVeen provided information about the eviction notices FY 2003/04 fourth quarter and FY 2004/05 first quarter. She mentioned that there was a large increase of evictions in FY 2004/05.

Representative from Tri-County Apartment Association (TCAA), Jeffrey Dennison, commented that the increases reflect the Program effort in educating landlords regarding noticing requirements.

Commission asked Program staff to provide information regarding advertising costs at the next meeting.

6. Discussion and Action Items

Bay Area Economics Report (BAE)

Rachel VanderVeen said that BAE had been contracted to interview twenty landlords, but had initially only been able to contact fifteen. Since that time, they have interviewed five additional landlords, and incorporated that information into their report. In addition, Rachel said that she spoke with the consultant and suggested that the recommendations should be strengthened.

Representative from Tri-County Apartment Association, Jeffrey Dennison, commented that there was an interesting analysis collected in the BAE report.

Commissioner Hull mentioned that the Commission made recommendations on ordinance changes regarding the market condition on rents which were supported by Council member Nora Campos and Mayor Ron Gonzales, but were not approved by the City Council. Vice Chair said that some landlords solicit tenants with rent reductions when their leases expired, and some landlords wait for the tenants to ask for rent reductions.

Chair Steven Wincor asked City Attorney, Mark DeCastro, to investigate recommendations on ordinance changes previously written by City Attorney, Vic Pappalardo, and bring that information to the next meeting.

Vice Chair Larry Hull stated that he had a copy of the recommendations written by Vic Pappalardo, and would bring them to the next meeting.

Chair Steven Wincor suggested that members of the Commission should bring their own recommendations to the next meeting and be prepared to discuss them.

Work Plan

Chair mentioned that the Commission added two items for the January meeting. The first item is Potential Non-Rent Control Fee Increase. Commissioner requests that Program cost information be provided at that meeting. Second item is the Fair Housing issue.

Rachel VanderVeen said that the Budget Subcommittee will meet in February or March to discuss the Fee Increases.

Information Regarding Fair Housing Event

Jeffrey Dennison, representative from Tri-County Apartment Association (TCAA), and Jessica Scheiner from the Housing Department are organizing a Fair Housing Event to educate property owners on landlord issues in the City of San Jose. Mr. Dennison said that the event is scheduled for January 26, 2005, 6:00 p.m. - 8:00 p.m. at the Northside Community Center. For this event, there will be presentation from Tri-County Apartment Association, Project Sentinel, and the Fair Housing Law Project.

All Commissioners agreed to provide their support. Chair asked Program staff to send an email to Commissioners with information about the event, and some of the members of the Commission volunteered to participate in this event.

Nomination of two Representatives for Budget Subcommittee

Chair Steven Wincor nominated himself and Commissioner Peters to serve on the Budget Subcommittee, with Commissioner Adams as alternate. Commissioner Hull made the motion, and Commissioner Dougherty seconded the motion. The motion was carried (4:0:2).

Nominations and Elections

Commissioner Larry Hull made a motion to nominate Steven Wincor to continue as Chair of the Commission. Pamela Dougherty seconded the motion. Commissioner Pamela Dougherty nominated Larry Hull for Vice Chair of the Commission, and Commissioner Sandra Adams seconded the motion. The motions were carried (4:0:2).

7. Public Comments

None.

8. Adjournment

The meeting was adjourned at 7:32 p.m.